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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Philip Wong, Frederic Chaussy, and Leslie
Marie Shearn, individually, on behalf of all
others similarly situated, and on behalf of
the general public,

Plaintiffs,

vs.

HSBC Mortgage Corporation (USA);
HSBC Bank USA, N.A.; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 3:07-cv-2446 MMC

**DECLARATION OF PAUL J. LUKAS,
ESQ., PLAINTIFFS' REPLY
MEMORANDUM IN SUPPORT OF
MOTION FOR CONDITIONAL
CERTIFICATION AND JUDICIAL
NOTICE AND PARTIAL SUMMARY
JUDGMENT**

1 1. My name is Paul J. Lukas and I am counsel of record in the above-referenced
2 matter. I am over the age of 18 and competent to testify about the matters set forth herein. I
3 submit this declaration as part of Plaintiffs' Reply Memorandum in Support of Motion for
4 Conditional Certification and Judicial Notice and Partial Summary Judgment.

5 2. After obtaining the list of loan officers from Defendants, my firm sent out one
6 "advertisement" letter to each person on the list. In doing so, we followed the specific rules for
7 "solicitations" under the rules of ethics rules for each state. Generally, this included a bold and all
8 cap notice on the envelope and/or in the letter declaring it an "ADVERTISEMENT" or
9 "ADVERTISING MATERIAL." Through this effort, we were able to obtain a number of the
10 declarations submitted in support of the motion.

11 2. Exhibit 17 is a true and correct copy of excerpts of the deposition of Jeannette
12 Jennings, Senior Vice President and Human Resources Group Director.

13 3. Exhibit 18 is a true and correct copy of the job description for Retail Mortgage
14 Loan Consultants provided to Plaintiffs by Defendants in discovery.

15 4. Exhibit 19 is a true and correct copy of the job description for Senior Retail
16 Mortgage Lending Consultants provided to Plaintiffs by Defendants in discovery.

17 5. Exhibit 20 is a true and correct copy of the job description for Premier Mortgage
18 Sales Officers provided to Plaintiffs by Defendants in discovery.

19 6. Exhibit 21 is a true and correct copy of excerpts of the deposition of David Gates,
20 Senior Vice President of National Sales and Marketing, who testified as a corporate designee for
21 Defendants pursuant to Fed.R.Civ.P. 30(b)(6). This exhibit includes pages not previously
22 attached as part of Exhibit 3, which consists of pages from the same deposition that were
23 submitted with Plaintiffs' initial memorandum in support of these motions.

24 7. Exhibit 22 is a true and correct copy of excerpts of the deposition of Susan
25
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1 Marczak, Human Resources Director, who testified as a corporate designee for Defendants
2 pursuant to Fed.R.Civ.P. 30(b)(6). This exhibit includes pages not previously attached as part of
3 Exhibit 4, which consists of pages from the same deposition that were submitted with Plaintiffs'
4 initial memorandum in support of these motions.

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6 8. Exhibit 23 is a true and correct copy of the October 30, 2006, Order in Stanfield v.
7 First NLC, No. 06-3892 (SBA/JL) (Oct. 30, 2006, N.D. Cal.).

8 9. Exhibit 24 is a true and correct copy of the Order in Partida v. American Student
9 Loan Corp., No. 07-0674 (PHX/DGC) (D. AZ, Jan. 18, 2008).

10 10. Exhibit 25 is a true and correct copy of the Order in Nerland v. Caribou Coffee
11 Co., No.05-1847 (PJL/JJG) (D. Minn. April 6, 2007).

12
13 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United
14 States that the foregoing is true and correct.

15 DATED: January 25, 2008

s/Paul J. Lukas
Paul J. Lukas